

**MINUTES  
COLUMBUS PLAN COMMISSION MEETING  
DECEMBER 3, 2008 AT 4:00 P.M.  
MEETING HALL, CITY HALL  
123 WASHINGTON STREET  
COLUMBUS, INDIANA**

**Members Present:** Dave Fisher (President), Bryan Haza, Steve Ruble, Dennis Crider, Dick Gaynor, John Hatter, Roger Lang, Tom Wetherald, Rachel Quisenberry and Tom Finke (County Plan Commission Liaison).

**Members Absent:** Dave Bonnell and Ann DeVore.

**Staff Present:** Jeff Bergman, Heather Pope, Sondra Bohn, Emilie Pannell, Rae-Leigh Stark, Laura Thayer, Thom Weintraut, and Alan Whitted (Deputy City Attorney).

**CONSENT AGENDA**

Minutes of the November 5, 2008 meeting.

The approval of the minutes of the November 5, 2008 will be continued to the January 2009 meeting.

**MP-08-09: Meek/Bryant/Meek Minor Subdivision** – A request by Jimmy Bryant to create 2 new lots for a total of 3 lots equaling 30.73 acres. The property is located on the west side of County Road 300 West, ± 540 feet south of State Road 58 in Wayne Township.

**ANX-08-06: William Marr Farms** – a request by William Marr Farms to annex to the City of Columbus a property of approximately 191.36 acres. The property is zoned AP (Agriculture Preferred) and is located on the northeast corner of Taylor Road and U.S. 31 in Columbus Township.

**RZ-08-15: William Marr Farms** – a request by William Marr Farms to rezone a property of approximately 36.73 acres from AP (Agriculture Preferred) to CR (Regional Commercial). The property is located on the northeast corner of Taylor Road and U.S. 31 in Columbus Township.

**PP-08-05: Marr Farms Major Subdivision** – a request by William Marr Farms to create 4 new blocks for 1 lot and 4 blocks equaling 146.43 acres. The property is located on the northeast corner of Taylor Road and US 31 in Columbus Township.

Motion: Mr. Haza made a motion to continue these items to the January 2009 meeting, with contact being made by the staff to the petitioners indicating that if they are not prepared to move forward on these items at this time, they ask for a withdrawal without prejudice and be removed from the agenda. Ms. Quisenberry seconded the motion and it carried unanimously by voice vote.

**PP-08-04: Terrace Park Major Subdivision** – a request by Coronado Development Corporation to create 15 lots totaling 10.53 acres. The property is located on the southwest corner of Terrace Lake Road and Mt. Pleasant Court (1450 Terrace Lake Road) in the City of Columbus.

Mr. Fisher stated that the petitioner would like to withdraw this request without prejudice.

Motion: Mr. Haza made a motion to approve the withdrawal of this request without prejudice. Mr. Gaynor seconded the motion and it carried with a vote of 9-0.

**RZ-08-17: Ivan Greer and Cathy Burton** – a request by Ivan Greer and Cathy Burton to rezone a property of 6,720 square feet from CN (Neighborhood Commercial) to RE (Residential Established). The property is located at 2061 McKinley Avenue in the City of Columbus.

Mr. Fisher stated that the petitioner would like to withdraw the request without prejudice.

Motion: Mr. Wetherald made a motion to approve this withdrawal of this request without prejudice. Ms. Quisenberry seconded the motion and it carried with a vote of 9-0.

### **OLD BUSINESS REQUIRING COMMISSION ACTION**

**PUDF-08-03: Wendy's** – a request by Wendy to construct a 3,095 square foot restaurant, with associated parking, landscaping, lighting, and other infrastructure. The property is located on a lot of 1.30 acres in the Columbus Crossing Planned Unit Development, on the southwest corner of Morgan Willow Trace and Jonathon Moore Pike in the City of Columbus.

Ms. Pope presented the staff information on this request.

Mr. Bergman stated that the PUD is a unique tool that is used for maintaining a higher standard of development. He stated that the Menard's PUD was approved at the time Menards developed the property on State Road 46 West. Mr. Bergman stated it was a negotiated process in which Menards as the developer, City Plan Commission and City Council representing the City, agreed upon a set of standards for that development.

Mr. Bergman stated that as each individual site is developed the Plan Commission has the authority to interrupt and apply the original PUD standards that were approved. He stated that staff's responsibility was to review the submittals against the Preliminary PUD to make sure certain items are identified and addressed. Mr. Bergman stated it would also be reviewed against other developments in the same PUD for consistency and the level of design.

Mr. Jonathan R. Evans, P.E., with Evans Engineering and Design represented the petitioners.

Mr. Evans stated that this restaurant is intended to replace the existing one on the west side of Interstate 65. He stated that the Front Door Committee had encouraged them to present a different kind of Wendy's than just the regular prototype. Mr. Evans stated they had presented a new drawing to Plan Commission members of the new building. He stated they would be installing some stone columns in front that would anchor the entryway.

Mr. Evans stated they would use a brick façade and split face block for parts of the building. He stated they would be using a new material called AZEK, which would be placed on the upper portion of the building. Mr. Evans passed out samples of the new materials. He stated this was a more durable material than E.I.F.S. and would be aesthetically pleasing for a longer period. Mr. Evans stated the copper color on the sample was typically one of the colors that Wendy's has tried to retain with the building.

Mr. Fisher asked if he had experience with the AZEK material. Mr. Evans stated it had been installed in other projects, but this was the first time it had been used for a Wendy's store.

Much discussion was held regarding the materials that would be used in construction of this building.

Mr. Lang expressed concern that the finish was coming off the sample that was being passed around.

Mr. Wetherald stated it was his opinion that the sign looked out of place compared to the building. He stated the sign looked like a portable sign that would not be allowed by the Zoning Ordinance. Mr. Wetherald expressed concern about the changeable copy letters that would be used on the sign. He suggested a digital sign instead.

Mr. Jim Rogers, Director of Operations for the Wendy's store in Bloomington, stated that the changeable copy letters on the sign were used to advertise the daily specials and the reader board was important to the success of the restaurant. He stated the colors were Wendy's signature and was not sure if that was negotiable with corporate headquarters.

Mr. Bergman stated the original sign that was presented to the Front Door Committee was different from the one at this meeting.

Much discussion was held regarding the sign. It was suggested that the two sides of the sign should be framed to match the design on the base of the proposed sign.

Mr. Evans passed out an updated copy of the new sign and the proposed landscaping at the base.

Mr. Gaynor stated he did not have a problem with the proposed sign.

Mr. Haza suggested a digital sign be installed at this location.

Ms. Pope stated the lighting requirements have been met and the only other outstanding issue was if the Commission wanted to require the roof top units to be enclosed.

Mr. Evans stated that the largest piece of roof top equipment was level with the (inaudible) and anywhere in the front of the building; the units could not be seen. He stated from a distance in all directions the rooftop units could not be seen from any angle.

Mr. Bergman stated there is nothing in the PUD that says from what point of view should the mechanical roof top units not be visible. He stated it was his opinion that it was a general statement and with no specific guidance from the PUD, it would be the Commission's decision how closely they wanted to look at this.

Mr. Lang stated that if this is the first time these samples of material are being used the finish is not durable.

Mr. Fisher opened the meeting to the public.

There was no one to speak for or against this request.

Mr. Fisher closed the meeting to the public.

Mr. Haza expressed concern regarding the sample materials that are being used in the construction of the building. He stated he would like to know more about the durability of the product.

Mr. Lang stated that the appearance of the building is important to the image of the community and if that material is typical, it should be left to Wendy's architect's discretion whether to use it or not. He stated he was comfortable with voting on the request.

Mr. Fisher stated he would support the sign as presented.

Mr. Ruble stated that he had a concern that there was no treatment on the sides or the top of the sign. He stated it was his opinion that this was Wendy's trademark and the design of the sign should be left as is with treatment on the sides.

Mr. Bergman stated that staff would recommend approval with staff's technical comments being addressed and the Plan Commission members should make the decisions on the other outstanding issues.

Motion: Mr. Lang made a motion to approve the request as presented. Mr. Gaynor seconded the motion and it failed with a vote of 5-4 with Mr. Crider, Mr. Haza, Mr. Ruble, and Mr. Wetherald being the nay votes.

Motion: Mr. Ruble made a motion to approve the request with the following conditions (1) the monument sign will be clad similarly to that of the base of the sign, (2) all technical comments will be addressed ( the site plan must be to scale, and a pre-construction elevation certificate must be provided), and (3) address Engineering Department's outstanding comments. Mr. Crider seconded the motion and it carried with a vote of 9-0.

**RZ-08-14: Hickory Investors** – a request by Hickory Investors to rezone a property of 10.18 acres from RS3 (Single Family Residential) to RM (Multi Family Residential). The property is located on the west side of Interstate 65 approximately 2,000 feet south of State Road 46 in the City of Columbus

Ms. Pannell presented the staff information on this request.

Mr. George Lukas, with Landwater Group, and Mr. Jeff Bush, owner of the property, represented the petitioner.

Mr. Lukas stated they had a chance to meet with the neighbors from Terrace Lake Realty Corporation and addressed their concerns. He stated that they had entered into an agreement with them and a copy should be in your packets. Mr. Lukas stated one concern was the buffer along the south property line, and Hickory Investors have agreed to install an opaque fence along the entire south property line.

Mr. Lukas stated the other issue was the extension of Spruce Street Drive all the way to the south property line. He stated they are proposing to cut short the drive and will dedicate the right of way during the platting process. Mr. Lukas stated that the adjoiners agreed to accept the responsibility for the completion of the roadway in the event that the adjoining property develops. He stated to insure the future connection of Spruce Ridge Drive is constructed, the

petitioner will prepare legal documents, to be reviewed and approved by the City Engineer's Office. The document is to be executed by the current owners and is to be recorded.

Mr. Lukas stated that green space was mentioned as a concern by the public. He stated that this is shown on the Concept Plan that was passed out at the meeting and would give the Commission members an idea of how much landscaping is proposed. He stated they were underutilizing the site and trying to preserve some of the existing vegetation. Mr. Lukas stated there would be walking trails and other amenities for the residences to enjoy.

Mr. Lukas stated there would be grading that has to be done to bring the site into ADA requirements. He stated they had worked closely with the City Engineer's office to achieve this goal.

Mr. Whitted wanted each member that had not attended the last meeting to familiarize themselves with the issues, as the minutes were not made available. At the last month's meeting, there was an indecisive vote and each member should be comfortable with the issues before voting.

Mr. Fisher stated that Mr. Lukas had covered all of the issues that had been discussed at the November 2008 meeting and Mr. Fisher talked at length about each issue to the members of the Commission.

Mr. Fisher opened the meeting to the public.

Ms. Yvonne Achterberg, President of Terrace Lake Realty Corporation stated the meeting with Mr. Bush and Mr. Lukas was encouraging. She stated they had the opportunity to express their concerns and were very understanding about each issue. Ms. Achterberg stated they were in agreement with the terms of developing Spruce Ridge Drive. She stated that Terrace Lake Realty Corporation supports the rezoning.

Mr. Fisher closed the public hearing.

Ms. Quisenberry asked if any Commission members had questions or concerns that have not been addressed. The consensus of the Board was the issues had been adequately addressed.

Mr. Bergman stated that staff would recommend sending a favorable recommendation to the City Council and this is the appropriate use at this location. He stated that the question was to what extent the Plan Commission wants to be involved with the agreement between Hickory Investors and the Terrace Lake Realty Corporation. Mr. Bergman stated the only request before the Commission is to rezone this area.

Much discussion was held regarding this agreement for the extension of Spruce Ridge Drive between Hickory Investors and the Terrace Lake Realty Corporation.

Mr. Whitted stated in regards to enforcement of this agreement, if it is rezoned and they sell it to another developer there would be a problem, because the developer would not know about the agreement as a condition of the development. He stated a developer is required to look at the zoning, not conditions attached unless they are noted at the time of the rezoning.

Mr. Whitted stated if the fence and the agreement between the two parties would need to be included in the motion as conditions of the rezoning,

Mr. Lang asked if the Commission could reference this document. Mr. Whitted stated he did not think this would be appropriate.

Mr. Bergman stated this is a different condition than we have ever seen before, the fence is an easy one, but the agreement is something the developer has tied directly to the rezoning. He stated this is an offsite condition and is not a condition on the developer, but the neighbors want to place the condition upon them regarding the extension of the road.

Ms. Quisenberry asked if the City would become involved in this agreement. Mr. Whitted stated it would be a real deterrent in dealing with that condition.

Mr. Ruble asked what Mr. Bush's intentions were. He stated it was to develop the area into apartments. Mr. Ruble stated that the street agreement would take care of itself through the platting process.

Mr. Whitted stated he was concerned with time limits to be put on the platting process because there would be no way to enforce that. Mr. Whitted stated the Commission should attach the fence installation as the only condition.

Motion: Mr. Ruble made a recommendation to send a favorable recommendation to the City Council with the following condition attached: which was included as part of the Plan Commission recommendation: (1) a 100% opaque, 6 foot tall wood fence shall be included as part of the required buffer along the site's entire south property line. Ms. Quisenberry seconded the motion and it carried with a vote of 9-0.

## **NEW BUSINESS REQUIRING COMMISSION ACTION**

**MP-08-10: 4<sup>th</sup> Replat in McCullough's Run Major Subdivision** – A request by ABCJ Properties, LLC to create 1 new lot for a total of 2 lots equaling 3.47 acres. The property is located on the west side of Talley Road, ±100 feet south of 25<sup>th</sup> Street in the City of Columbus. Plan Commission approval is required to allow 3 lots accessing an easement (which exceeds the Subdivision Control Ordinance maximum of 2 lots).

Ms. Stark presented the background information on this request.

Rik Sanders with E.R. Gray & Associates represented the petitioner.

Mr. Sanders stated they were asking for a modification from installing sidewalks along all street frontages, which includes State Road 11 frontage. He stated they are also asking for relief of the Subdivision Control Ordinance which states no more than two lots shall receive access from a private access easement. Mr. Sanders stated the access easement is for Lot 1B or Lot 2B. He stated access to Lot 4 could be off State Road 11.

Mr. Fisher opened the meeting to the public.

Mr. Richard Ritchie asked about the access to Lot 4 and the lot adjacent to the south. Ms. Stark stated that there would be no change to the access of the lot south of Lot 4.

Mr. Sanders stated he did not have development plans at this time. He stated that the access easement is on the left side of Lot 4.

Mr. Fisher closed the meeting to the public.

Mr. Haza asked if there would ever be a point in time where State Road 11 will have sidewalks present. Mr. Fisher stated they might be installed in a long-range planning goal, but now there are no plans for sidewalks.

Mr. Bergman stated this originally started on the consent agenda, but was moved to new business because a member of the public wanted to speak. He stated that staff would recommend approval with two conditions: (1) relief from installing sidewalks, and (2) to allow 3 properties to use the proposed access easement.

Motion: Ms. Quisenberry made a motion to approve this request with the following conditions: (1) to grant relief from the Subdivision Control Ordinance requiring sidewalks to be installed and (2) grant relief from Subdivision Control Ordinance, which states no more than two lots shall receive access from a private access easement. Mr. Ruble seconded the motion and it carried with a vote of 9-0.

## **DISCUSSION ITEMS**

### **Appoint Nominating Committee for Election of Officers for 2009.**

Mr. Ruble, Mr. Wetherald and Mr. Hatter volunteered to serve on this Committee and report to the Commission a recommendation for a slate of officers at the January 2009 meeting.

## **DIRECTOR'S REPORT**

Mr. Bergman stated that the City Council denied the Freeman rezoning that was sent to them by Plan Commission with a favorable recommendation.

Mr. Bergman stated that the City Council returned the Columbus Airpark PUD rezoning to the Plan Commission to be revisited at the January 2009 meeting.

Mr. Fisher stated that some of the Plan Commission members had attended the Nitty Gritty workshop that was held in November 2008. He stated the meeting was helpful to all that participated.

## **LIASION REPORT**

### **ADJOURNMENT: 6:20 p.m.**

---

**David L. Fisher, President**

---

**Steven T. Ruble, Secretary**